

Julie Masters, Mayor
Charles Suderman
Mary Dunbaugh
Walter Wilson, Mayor Pro Tem

MINUTES

City of Dickinson
CITY COUNCIL
REGULAR MEETING

Kerry Neves
Louis Decker
William H. King III
Julie M. Johnston, City
Administrator

September 13, 2011

The Dickinson City Council met in a duly called and announced **REGULAR MEETING** on **TUESDAY, September 13, 2011**. The meeting was held in the City Council Chambers located at 4403 Highway 3, Dickinson, Galveston County, Texas, and was held for the purpose of considering the following items:

ITEM 1.) CALL TO ORDER AND CERTIFICATION OF A QUORUM

Invocation and Pledge of Allegiance

Mayor Julie Masters called the meeting to order at 7:00 p.m. Pastor King gave the Invocation and Councilwoman Mary Dunbaugh led the Pledge of Allegiance. City Secretary Carolyn E. Anderson called roll and certified a quorum. Council Members present were as follows: Mayor Julie Masters, Mayor Pro Tem Walter Wilson and Council Members Mary Dunbaugh, Kerry Neves, Louis Decker and William King. Councilman Charles Suderman was absent. Also present were City Attorney, Loren Smith, City Administrator Julie Johnston, Public Works Kellis George, Building Official Kevin Byal, Finance Mary Young, Public Safety Norman Hicks, and Tourism and Museum Coordinator Angela Forbes.

ITEM 2.) PROCLAMATIONS AND COUNCIL COMMENTS:

Council commented on the following topics:

- Welcome to everyone present and thanks for coming
- Mayor's B25 September 11 tribute at the football game in a flyover at the Dickinson High School football game
- The VFW is collecting items for victims of the wildfires
- Congratulations on Gator football game win
- 15th Anniversary of Hurricane Carla
- Thank you to all City of Dickinson staff, emergency personnel, members of DVFD, and Council Members involved in the City of Dickinson September 11 Stop and Remember Observance
- Thanks to VFW Post 6378 for their participation in the September 11 Stop and Remember Observance
- Congratulations to Craig Fos on obtaining his Master's degree in Science
- Festival of Lights will begin set-up efforts and preparation in the next couple of weeks on Saturdays and Sundays in preparation for opening. Because of the drought, several trees will have to be removed before set-up efforts can begin.
- Meeting of TCEQ regarding status of TMDL study

- Galveston County and Brazoria County collaborative effort with Catholic Charities, UTMB Health and others concerning home replacement and home repair efforts as a result of Hurricane Ike
- Dickinson Fair Housing meetings

ITEM 3.) PUBLIC COMMENTS: At this time, any person with city-related business may speak to the Council. In compliance with the Texas Open Meetings Act, The City Council may not deliberate. **Comments from the public should be limited to a maximum of three (3) minutes per individual speaker.**

Chris Tucker, 2304 Hughes, expressed his concern that the *Galveston Daily News* had no coverage of the 3rd anniversary of Hurricane Ike. He read aloud the letter he submitted to the newspaper and encouraged others to contact the newspaper in response.

ITEM 4.) CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION:
The following items are considered routine by the City Council and will be enacted by one motion. There will not be a separate discussion on these items unless a Council member requests, in which event, the item will be removed from the consent agenda and discussed after the consent agenda.

- A. Approval of Minutes of Special Council Workshop of August 23, 2011
- B. Approval of Minutes of Regular Council Meeting of August 23, 2011
- C. Approval of Resolution Number 1209-2011 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON, TEXAS, AND THE GULF COAST CENTER FOR THE DEVELOPMENT OF A PEDESTRIAN/TRANSIT MASTER PLAN; AUTHORIZING EXECUTION OF THE AGREEMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.**
- D. Resolution Number 1212-2011 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN THE CITY OF DICKINSON AND DICKINSON MANAGEMENT DISTRICT NO. 1 FOR THE PROVISION OF SERVICES BY THE CITY OF DICKINSON TO DICKINSON MANAGEMENT DISTRICT NO. 1 FOR FISCAL YEAR 2011-2012; AUTHORIZING EXECUTION OF THE AGREEMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.**

Councilman Wilson made a motion to approve the consent agenda. Councilman Dunbaugh seconded the motion.

VOTE:

5 AYES (Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

MOTION PASSED.

OLD BUSINESS

ITEM 5.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: City Hall/Library Project including the following items:

A. Status of Installation of Additional Cameras at Dickinson Public Library

Public Safety Director Norman Hicks gave Council an overview of the status of the installation and additional monthly fees related to the additional cameras that will be installed at Dickinson Public Library. Mr. Hicks addressed Council's questions and concerns over the additional fees. After discussion, Councilwoman Dunbaugh made a motion to approve the additional \$60.00 per month for the cameras under the existing lease/purchase agreement. Councilman King seconded the motion. A discussion followed concerning the source of the funds for the additional monthly fees. City Administrator Julie Johnston advised that the increased monthly fees will need to be incorporated into the FY 2011-2012 Budget.

VOTE:

4 AYES (Dunbaugh, Neves, Decker and King)
1 NAY (Wilson)

MOTION PASSED.

B. Update on Repairs to Sidewalk at Dickinson Public Library

Public Safety Director Norman Hicks reported that the repairs to the sidewalk that had been completed by the contractor were unacceptable and that the contractor was required to re-do the work. A discussion followed concerning the additional maintenance of the sidewalk.

C. Discussion and Direction Concerning Proposed Electronic Marquee Signs for the City and the Water District

City Administrator Julie Johnston and Fire Marshal Norman Hicks reviewed the proposed designs, locations, and costs for the electronic marquee signs. She stated that she has been working with Atlas Sign Company. Mr. David Paulissen, General Manager for Galveston County WCID #1, was also in attendance and provided feedback on behalf of the Water District. Public Works Director Norman Hicks explained concerns regarding the location for the marquee sign for the Water

District. A discussion followed regarding the size, placement and display characteristics of the signs. After lengthy discussion, City Administrator Julie Johnston advised that this item would be placed on the Workshop Agenda for the next Council meeting to allow for further discussion.

ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Public Works Projects:

A. Cherry Drive Bridge Project

City Administrator Julie Johnston advised that after Council's approval of \$1,800 at the last Council meeting for the additional repairs to the guardrail, she received an email from Mr. Bill Babbington with TxDOT stating that, pursuant to the contract for the Cherry Drive Bridge Project, 100% of the cost resulting from the additional work requested by the City would be at the expense of the City instead of the 20% as her previously advised. Therefore, the City's cost would be \$8,927.86 instead of the \$1,800.00 previously approved by the Council. A discussion followed concerning the scope and material of the work. After discussion, Councilman Neves made a motion to reverse the Council's previous approval of the \$1,800.00 and not to replace the guardrail. Councilman Wilson seconded the motion.

VOTE:

4 AYES (Wilson, Neves, Decker and King)
1 NAY (Dunbaugh)

MOTION PASSED.

B. Lovers Lane Reconstruction Project

C. Tropical Gardens Flood and Drainage Project

D. FM 517 Railroad Crossing

E. Repairs to Sidewalks Along FM 517 from Spruce Drive to Timber Drive
Councilman Wilson asked that the item be pulled from the agenda.

F. Owens Drive Reconstruction Project

G. Update on Pavement Issues Related to Drought

With the exception of Item E, Public Works Director Kellis George and City Administrator Julie Johnston gave a brief update on the various Public Works street reconstruction and drainage projects.

Mayor Masters asked that Item 8 be moved up on the agenda for discussion. Council concurred.

ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Dickinson Economic Development Corporation Meeting.

Darrell Carney, President of Dickinson Economic Development Corporation, gave a brief report of the September meeting.

ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Update on Hurricane Ike CDBG Grant Projects.

City Administrator Julie Johnston briefed the Council on the timeline for the FFAST Form approved by the Fair Housing Work Group. The Work Group is anticipated to approve the FFAST Form on Thursday, September 15, 2011, and the FFAST Form will be submitted to the General Land Office on Friday, September 16, 2011, one week ahead of the State's deadline. A list of projects for submission in Round 2.2 will be workshopped with the Council during both October meetings. Ms. Johnston also advised the Council about an issue that recently arose when the General Land Office issued a new RFQ for grant administrators for Round 2.2. She thanked Councilman Neves for his assistance in contacting the GLO and assistance from Representative Taylor's office in dealing with this issue. Mayor thanked Councilman King for serving on the Fair Housing Work Group and to Councilman Neves for his help with the General Land Office.

ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Approval of Ordinance Number 727-2011 - **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING THE ADDENDUM (TRAFFIC CONTROL DEVICE INVENTORY – SCHEDULE III) TO SUBSECTION (g) OF SECTION 10-3, TRAFFIC-CONTROL DEVICES, OF CHAPTER 10, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF ORDINANCES BY ADDING THERETO THE DESIGNATION OF "NO PARKING" ZONES ON SECTIONS OF BIG AL DRIVE WITHIN THE CITY OF DICKINSON; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE, AND AN EFFECTIVE DATE.** (Second of three readings)

Councilman Wilson made a motion to approve the Ordinance in two readings. Councilman King seconded the motion.

VOTE:

5 AYES (Dunbaugh, Wilson, Neves, Decker and King)

0 NAYS

MOTION PASSED.

NEW BUSINESS

ITEM 10.) PUBLIC HEARING ON BUDGET AND TAX RATE: Convene a Public Hearing Regarding the Proposed Fiscal Year 2011-2012 Budget and Tax Rate.

Mayor Masters opened the Public Hearing at 8:17 p.m.

- A. Presentation of Proposed Budget and Tax Rate.
- B. Those In Favor.
No one spoke in favor of the Proposed Budget and Tax Rate.
- C. Those Against
No one spoke in opposition to the Proposed and Budget Tax Rate.
- D. Adjourn Public Hearing
Mayor Masters adjourned the Public Hearing at 8:18 p.m.

ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number XXX-2011 – **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING AND ADOPTING A BUDGET FOR THE CITY OF DICKINSON, TEXAS, FOR FISCAL YEAR 2011-2012; MAKING APPROPRIATIONS FOR THE CITY FOR SUCH FISCAL YEAR AS REFLECTED IN SAID BUDGET; PROVIDING FOR THE INCORPORATION OF PREAMBLE; MAKING CERTAIN FINDINGS AND CONTAINING CERTAIN PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE.** (First and only reading).

Councilman Dunbaugh made a motion to approve the Ordinance. Councilman King seconded the motion.

City Administrator Julie Johnston asked that an adjustment be made to the budget to include the \$720.00 in additional monthly fees for the cameras to be installed at Dickinson Public Library.

Councilwoman Dunbaugh amended her original motion to approve the Ordinance with the inclusion of an additional expenditure for Dickinson Public Library of \$720.00 for the monthly fees for the additional cameras. Councilman King seconded the amended motion.

VOTE:

- 4 AYES (Dunbaugh, Wilson, Neves, and King)
- 1 NAY (Decker)

MOTION PASSED.

ITEM 12.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number XXX-2011 – AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, APPROVING THE 2011 AD VALOREM TAX (DEBT) RATE AND LEVY OF \$0.07551 PER HUNDRED DOLLARS OF ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AND APPROVING THE 2011 AD VALOREM TAX (MAINTENANCE AND OPERATION) RATE AND LEVY OF \$0.3331 PER HUNDRED DOLLARS OF ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY; PROVIDING FOR THE ASSESSMENT, LEVY AND COLLECTION OF AD VALOREM TAXES OF THE CITY OF DICKINSON, TEXAS, FOR THE YEAR 2011 AND FOR EACH YEAR THEREAFTER UNTIL OTHERWISE PROVIDED; PROVIDING THE DATE ON WHICH SUCH TAXES SHALL BE DUE AND PAYABLE; PROVIDING FOR PENALTY AND INTEREST ON ALL TAXES NOT TIMELY PAID; AUTHORIZING EXEMPTIONS; AND PROVIDING A REPEALER CLAUSE AND AN EFFECTIVE DATE.
(First and only reading)

Councilwoman Dunbaugh made a motion to approve the Ordinance. Councilman Neves seconded the motion.

VOTE:

4AYES (Dunbaugh, Wilson, Neves, and King)
1NAY (Decker)

MOTION PASSED.

ITEM 13.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number XXX-2011 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING AND ADOPTING A BUDGET FOR THE DICKINSON ECONOMIC DEVELOPMENT CORPORATION FOR FISCAL YEAR 2011-2012; MAKING APPROPRIATIONS FOR THE CITY FOR SUCH FISCAL YEAR AS REFLECTED IN SAID BUDGET; PROVIDING FOR THE INCORPORATION OF PREAMBLE; MAKING CERTAIN FINDINGS AND CONTAINING CERTAIN PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE (First and only reading).

Councilman King made a motion to approve the Ordinance. Councilman Decker seconded the motion.

VOTE:

5 AYES (Dunbaugh, Wilson, Neves, Decker and King)
0 NAYS

MOTION PASSED.

ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution Number XXX-2011 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, SUBMITTING A NOMINATION TO THE GALVESTON CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS; PROVIDING FOR INCORPORATION OF PREMISES; AND PROVIDING AN EFFECTIVE DATE.

Councilwoman Dunbaugh made a motion to approve the appointment of Vic Pierson to the Galveston Central Appraisal District Board of Directors. Councilman Decker seconded the motion.

VOTE:

5 AYES (Dunbaugh, Wilson, Neves, Decker and King)
0 NAYS

MOTION PASSED.

ITEM 15.) EXECUTIVE SESSION: The City Council will now hold a closed executive meeting pursuant to the provision of Chapter 551, Government Code, Vernon's Texas Codes annotated, in accordance with the authority contained in:

- A. Section 551.071 – Consultation with Attorney regarding pending or contemplated litigation or a matter in which the duty of the City Attorney requires to be discussed in closed meeting.

Mayor Masters recessed the meeting into Executive Session at 8:22 p.m.

ITEM 16.) RECONVENE

Mayor Masters reconvened the meeting at 8:45 p.m.

ITEM 17.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Matters discussed in Executive Session.

Councilman Neves made a motion that the City Attorney be authorized to take whatever legal research or other steps are appropriate to protect the interests of the City and the companies with whom the City has agreements as a result of the recent ruling from the State Comptroller regarding Chapter 380 agreements. Councilman Wilson seconded the motion.

VOTE:

5 AYES (Dunbaugh, Wilson, Neves, Decker and King)
0 NAYS

MOTION PASSED.

ITEM 18.) ADJOURN

Councilman Wilson made a motion to adjourn the meeting at 8:46 p.m.
Councilman Decker seconded the motion.

VOTE:

5 AYES (Dunbaugh, Wilson, Neves, Decker and King)
0 NAYS

MOTION PASSED.

PASSED, APPROVED AND ADOPTED this the 27th day of September, 2011.



Julie Masters, Mayor

ATTEST:



Carolyn E. Anderson
City Secretary

